

Senate Joint Resolution No. 9

RESOLUTION CHAPTER 117

Senate Joint Resolution No. 9—Relative to the Startup Act 3.0.

[Filed with Secretary of State September 10, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 9, Huff. Startup Act 3.0.

This measure would urge the United States Congress and the President to establish new entrepreneur and science, technology, engineering, or mathematics-related visa categories for legal immigrants as part of comprehensive federal immigration reform, that would, among other things, create an Entrepreneur's Visa for legal immigrants, provide authorization to adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree, as specified, to that of aliens conditionally admitted for permanent residence, and eliminate per-country caps for employment-based immigrant visas.

WHEREAS, The United States is a nation of immigrants, with a long history of welcoming indigents from other nations and giving them a chance at achieving the American Dream; and

WHEREAS, Immigrants have formed the backbone of the nation's economy; and

WHEREAS, Open economies grow faster than closed ones, and as a beacon of hope, America has historically had an unbeatable advantage over societies that shut immigrants out, or stifled their creative and innovative spirit; and

WHEREAS, The United States economy has been enriched by the innovative and entrepreneurial spirit of immigrants from around the world; and

WHEREAS, According to the Kauffman Foundation on Entrepreneurship, of the current Fortune 500 companies, including Apple, Google, and eBay, more than 40 percent were founded by first- or second-generation Americans, and these companies employ more than 10 million people; and

WHEREAS, Foreign nationals residing in the United States were named as inventors or coinventors in one-quarter of all patent applications filed in 2006; and

WHEREAS, Fifty-two percent of Silicon Valley startups between 1995 and 2005 were founded or cofounded by immigrants, generating \$52 billion in revenues and employing 450,000 workers; and

WHEREAS, In the past seven years, the national rate of startups by immigrants has dropped to 42 percent according to scholars at Harvard and Duke Universities; and

WHEREAS, The number of foreign nationals with advanced degrees awaiting permanent-resident status in the United States has grown to over one million in the past several years; and

WHEREAS, Under current law, only around 120,000 visas are available annually for skilled workers in key employment categories and only 7 percent of these visas can be allocated to immigrants from any one country. So immigrants from countries with large populations, like India and China, which are the source of the vast majority of startups in the United States, have access to only 8,400 visas per year; and

WHEREAS, The result of this policy is that many of these highly skilled immigrants must wait more than a decade for visas; and

WHEREAS, Many of these highly skilled innovators are deciding instead to return home, or immigrate to other countries that welcome them with open arms, such as Singapore, Canada, Dubai, Australia, the United Kingdom, and Chile. As a result, these innovators are founding companies in these other countries and competing with American companies for market share; and

WHEREAS, The issue of illegal immigration has taken on national prominence in recent years and the resolution of the broader issue should be the result of bipartisan efforts; and

WHEREAS, United States Senators Jerry Moran (R-Kansas), Mark Warner (D-Virginia), Chris Coons (D-Delaware), and Roy Blunt (R-Missouri) have introduced S. 310, and United States House Representatives Michael Grimm (R-New York), Loretta Sanchez (D-California), and others have introduced H.R. 714 in the 113th Congress of the United States, and this legislation is known as the Startup Act 3.0; and

WHEREAS, Entrepreneurs and highly skilled workers can contribute to the continued success of the nation and further the development of an innovation-based economy that will help future generations compete in the global marketplace; and

WHEREAS, There has been bipartisan support in Congress for proposed changes to immigration law seeking to create new jobs and drive economic growth, such as:

(1) Creation of an Entrepreneur's Visa for up to 75,000 legal immigrants who start up new businesses to create jobs in the United States with a path to permanent residency if their businesses continue to hire more workers.

(2) Authorization to adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree at an American institution of higher education in a STEM field (science, technology, engineering, or mathematics) to that of aliens conditionally admitted for permanent residence to remain in this country.

(3) Elimination of per-country caps for employment-based immigrant visas; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly,
That the Legislature urge the United States Congress and the President to establish new entrepreneur and STEM-related visa categories for legal

immigrants as part of comprehensive federal immigration reform; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

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